

**COMMON COUNCIL OF THE TOWN OF PAYSON  
AGENDA OF THE REGULAR MEETING  
JANUARY 24, 2008**

**CALL TO ORDER:** 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

**INVOCATION (Participation Voluntary)**      Joe Hittle, Pastor  
Calvary Chapel

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** BE\_\_ TF\_\_ EB\_\_ SC\_\_ AR\_\_ MV\_\_ JW\_\_

**STAFF PRESENT:** DG\_\_ SIS\_\_ MD\_\_ CPW\_\_ DPE\_\_ SS\_\_ JO\_\_ LG\_\_ TM\_\_ RM\_\_  
CD\_\_

**OTHERS PRESENT:** \_\_\_\_\_

*The Council may discuss, consider or take action on any item listed on this agenda.*

*Council reserves the right to consider any matter out of sequence.*

**To accommodate all those who wish to address the Town Council and to facilitate the expeditious consideration of the agenda, it is requested that each person wishing to address the Mayor and Common Council under an agenda item limit his or her comments to a maximum of three minutes.**

**A. PUBLIC COMMENTS (SPEAKER'S REQUEST FORM SUBMITTED)**

1. Communications and comments or suggestions from citizens present who have submitted a Speaker's Request Form to the Mayor, Town Clerk, or designee, prior to the meeting being convened, concerning matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. No public discussion of comments under this section is permitted, except that other members of the public may, at the discretion of the Mayor, present follow-up comments on a matter raised by a Speaker's Form.

**B. CONSENT AGENDA**

Items listed on the agenda with an asterisk which are considered to be routine in nature and which will be enacted by one motion. No separate discussion of these items shall be held unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and will be considered in its normal sequence on the main

agenda.

**C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR, AND/OR COUNCIL MEMBER**

1. Brief summary oral presentation of current events by Town Manager, Mayor, and/or Council Members. The Arizona Open Meeting Law Reform Act specifies the Town Council may not take action on any matter mentioned during this presentation unless the specific matter is properly noticed for legal action.

**D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS**

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. **Proclamation** declaring January 28, 2008 as Hashknife Pony Express Week. Members of the Hashknife Pony Express Riders will be present to accept the proclamation.

**E. MINUTES**

**1.\* Council Meeting Minutes:**

[.01.10.08](#) Special Meeting Pages 1 - 2

**\*CONSENT\* APPROVAL**

**BOARDS/COMMISSIONS MEETING MINUTES (Note: Minutes of various boards/commissions/committees are for Council information only and may or may not have been approved by the respective board/commission.)**

**2.\* Planning and Zoning Commission Minutes:**

[.12.10.07](#) Regular Meeting Pages 1 - 4

**\*CONSENT\***

**3.\* Design Review Board Minutes:**

[.11.27.07](#) Regular Meeting Pages 28 - 30

[.12.11.07](#) Regular Meeting Pages 31 - 33

**\*CONSENT\***

**4.\* Surface Transportation Advisory Committee Minutes:**

[.12.05.07](#) Regular Meeting Pages 145 - 147

**\*CONSENT\***

**F. HEARINGS AND APPEALS**

There are no items in this section.

**G. RESOLUTIONS AND ORDINANCES**

There are no items in this section.

**H. UNFINISHED BUSINESS**

- 1.\* [Council Decision Request](#) filed by Silvia Smith, Town Clerk, to approve the schedule of change of the regular town council meeting from March 18, 2008 to March 27, 2008 due to the Primary Election on March 11, 2008 and the additional time consuming duties required the week of March 10th and to include the adoption of the revised 2008 Council Meeting Schedule due to the rescheduling of Budget Special Meetings.

**\*CONSENT\***

## I. NEW BUSINESS

- 1.\* [Council Decision Request](#) filed by Debra Galbraith, Town Manager, to direct the Mayor to sign the intergovernmental agreement between the Town of Payson and the Arizona State Department of Revenue (DOR) authorizing DOR to collect, audit, and administer, the tax program for the Town.

**\*CONSENT\* APPROVAL**

2. [Council Decision Request](#) filed by Debra A. Galbraith, Town Manager, to allocate \$2,800.00 from the Rainy Day fund to support the annual Hashknife Pony Express ride from Holbrook through Payson to Scottsdale.
3. [Council Decision Request](#) filed by Buzz Walker, Water Superintendent, to purchase 97 remaining Terra-Payson 40, L.L.C. Water credits in the **\*\* amount of \$4,000.00 each or ~~\$380,000.00~~ \$388,000.00 total to be paid as follows: Terra-Payson 40, L.L.C. will receive \$3,570.00 per equivalent residential unit water development fee collected by the Town of Payson until the amount of ~~\$380,000.00~~ \$388,000.00 has been paid to Terra-Payson 40, L.L.C. or until August 1, 2008, whichever comes first, with any remaining balance owed to be paid before August 21, 2008. **\*\*Addendum Added 01/23/07 8:30 a.m.****
4. [Council Decision Request](#) filed by LaRon Garrett, Town Engineer, to approve the contract with The CK Group, Inc. to design Bonita Street Phase 2 (Bonita Street between Bentley Street and Highway 87) for \$72,423.00 and authorize the Mayor to sign the contract documents.

5. [Council Decision Request](#) filed by Rick Manchester, Parks and Recreation Director, to allow a one-time fee waiver for the Rim Country Classic Auto Club

OR

to refer this, and future fee waiver requests to the Parks and Recreation Advisory Board after appropriate ordinance changes (if any) have been satisfied.

6. [Council Decision Request](#) filed by Debra A. Galbraith, Town Manager, to approve changing the status of the Manager's Executive Assistant position

from part-time to full-time status.

7. **Council Decision Request** filed by Buzz Walker, Water Superintendent, to authorize the expenditure of \$5,000.00 from the Town Council contingency \*\* fund to conduct a paper recycling program in partnership with the Payson Unified School District until June ~~34~~**30**, 2009. **\*\*Addendum Added 01/23/08 8:30 a.m.**

#### **J. CLAIMS**

- 1.\* List of checks paid from 12/31/07 through 01/18/08, Check Nos. 44989 through 45205 and authorization to file the checks for audit.

**\*CONSENT\* APPROVAL**

#### **K. MISCELLANEOUS**

- 1.\* Acceptance, with regrets, of **Ernie Schmidt's** resignation from the Surface Transportation Advisory Committee, with thanks for a job well done.

**\*CONSENT\* APPROVAL**

- 2.\* Appointment of Joanie King to the Surface Transportation Advisory Committee (STAC) to fill the unexpired term of Ernie Schmidt, term to \*\* expire 01/31/09. **\*\*Added 01/23/08 8:30 a.m.** (Application on file with the Town Clerk's office)

**\*\*CONSENT\*\* APPROVAL**

- ~~3.2.~~ Should the need arise, Council reserves the right to suspend the order of the agenda for consideration of a motion to recess/adjourn to executive session, pursuant to ARS 38-431.03 et seq, to discuss any item(s) listed on the regular meeting agenda that would be authorized for executive session under ARS 38-431.03.

#### **L. PUBLIC COMMENTS**

1. Public Comments: Note: Communication and comments or suggestions from citizens present who have not submitted a Speaker's Request Form, on matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. The Council cannot discuss nor take action upon comments received; however, the Council may direct staff to address the issue and/or it may be referred to a later agenda. No public discussion of comments under this section is permitted.

#### **CLASSIFICATIONS FOR EXECUTIVE SESSION**

Note: Should an executive session be convened on any item(s) listed on the regular meeting agenda, Council will review, discuss, or receive advice of Counsel, which will be considered under the respectively approved classifications listed below:

- a. ARS 38-431.03.A.1 Personnel Matters. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary

discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee, or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.

- b. ARS 38-431.03.A.2 – Discussion or consideration of records exempt by law from public inspection; including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.
- c. ARS 38-431.03.A.3 – Discussion or consultation for legal advice with the attorney or attorneys of the public body.
- d. ARS 38-431.03.A.4 – Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation.
- e. ARS 38-431.03.A.5 – Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.
- f. ARS 38-431.03.A.6 – Discussion, consultation or consideration for international and interstate negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.
- g. ARS 38-431.03.A.7 – Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiation for the purchase, sale or lease of real property.

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THE TOWN OF PAYSON ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN ALSO BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 474-5242 (VOICE) OR 472-6449 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

**NOTE: The information discussed in the Executive Session and the minutes of the Executive Session are confidential.**

**CERTIFICATION OF POSTING**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following location: Payson Town Hall bulletin board, 303 N. Beeline Highway, Payson, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_\_, in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

By: \_\_\_\_\_  
Silvia Smith, Town Clerk